

1 **WAGANAKISING ODAWAK STATUTE**
2 **ODAWA AVIATION CORPORATION**
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5 **SECTION I. PURPOSE AND TITLE**
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7 **A. Purpose.** The Little Traverse Bay Bands of Odawa Indians (the “Tribe”) exercises
8 powers of self-government over its Citizens and territory. In accordance with Article VII (D) (4),
9 the purpose of this Statute is to govern the issuance of the Little Traverse Bay Bands of Odawa
10 Indians charter of incorporation for economic purpose, to provide for the management of the
11 non-gaming, economic affairs and to delegate such management to a Tribally chartered
12 corporation in accordance with Article VII (D) (24) and regulate such tribally chartered
13 corporation activities in accordance with Article VII (D) (4).
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15 **B. Short Title.** This Statute shall be known and cited as the “Odawa Aviation Corporation
16 Statute.”
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19 **SECTION II. DEFINITIONS**
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21 **A. “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians”** means
22 “*areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries*
23 *of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third*
24 *and fourth’ of the Treaty of 1855, 11 Stat.621.*” Little Traverse Bay Bands Constitution, Article
25 V(A)(1)(a).
26

27 **B. “Tribe” or “LTBB”** means the Little Traverse Bay Bands of Odawa Indians.
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29 **C. “Tribal Constitution”** means the Little Traverse Bay Bands of Odawa Indians
30 Constitution as adopted by its membership on February 1, 2005.
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1 **D.** “*Tribal Council*” means the elected body of nine (9) Tribal members of Little Traverse
2 Bay Bands of Odawa Indians with duties found in the Tribal Constitution Article VII. “Tribal
3 Council”.

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6 **SECTION III. CREATION OF THE ODAWA AVIATION CORPORATE**
7 **CHARTER**
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9 A tribally chartered corporation is authorized by this Statute and shall be named the “Odawa
10 Aviation, Inc.” The organization is recognized by the approval of the tribal corporation charter;
11 “Odawa Aviation, Inc.” by Tribal Council.
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14 **SECTION IV. SCOPE OF ACTIVITIES**
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16 **A.** The Odawa Aviation, Inc. is created as a tribally chartered corporation that creates jobs
17 through Aviation of tribally owned projects or local projects within the community.
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19 **B.** The Odawa Aviation, Inc. is authorized to create operating subsidiaries in accordance
20 with tribal law, provided that they have prior approval by Tribal Council.
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22 **C.** The Corporation will provide Tribal Council an annual report and audited financial
23 statements.
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25 **D.** The Corporation will submit an annual development plan to the Tribal Council for
26 approval.
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29 **SECTION V. MANAGEMENT; STRUCTURE AND FUNCTION**
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1 **A.** The Odawa Aviation, Inc. shall have sole authority and responsibility for managing the
2 Odawa Aviation, Inc. and related Aviation projects, in accordance with the policies, Statutes,
3 Resolutions, regulations as approved by Tribal Council.

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5 **B.** The Odawa Aviation, Inc. shall abide by all tribal and federal laws and regulations as
6 may be applicable.

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8 **C.** It is the duty of the Odawa Aviation, Inc. to protect assets of the Tribe and generate
9 revenues and jobs.

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12 **SECTION VI. REPORTING TO TRIBAL COUNCIL**

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14 In order to regulate, the Odawa Aviation, Inc. shall provide to Tribal Council a monthly report
15 for the Corporation and all subsidiaries; and shall report quarterly at the regularly scheduled
16 Tribal Council Meetings or such special meetings as requested by the Tribal Council, or as
17 requested the following:

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19 **A.** Annual operating plan;

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21 **B.** Financial performance measures;

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23 **C.** Audits, whether internal or external;

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25 **D.** Financial records or statements;

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27 **E.** Tribal Council may request reports regarding all aspects of the Odawa Aviation, Inc.;

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29 **F.** Monthly profit and loss statement of all non-gaming enterprises, joint ventures and
30 investments.

1 **SECTION VII. FINANCING OF THE ODAWA AVIATION, INC. AND**
2 **ACTIVITIES**

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4 **A.** The annual budget for the Odawa Aviation, Inc. shall be approved by Tribal Council in
5 accordance with an approval process as designated by the Tribal Council.

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7 **B.** Tribal Council approval is required for borrowing of funds. The Odawa Aviation, Inc. is
8 not authorized to enter into financing approval without prior ratification by the Tribal Council.

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11 **SECTION VIII. SAVING CLAUSE**

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13 In the event that any phrase, provision, part, paragraph, subsection or section of this
14 statute is found by a court of competent jurisdiction to violate the Constitution, laws, ordinances
15 or statutes of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part,
16 paragraph, subsection or section shall be considered to stand alone and to be deleted from this
17 statute, the entirety of the balance of the statute to remain in full and binding force and effect.

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20 **SECTION IX. EFFECTIVE DATE**

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22 Effective upon signature of the Executive or thirty (30) days from Tribal Council approval
23 whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council
24 override of the veto.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on _____ at which a quorum was present, by a vote of _____ in favor, _____ opposed, _____ abstentions, and _____ absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Frank Bernard	_____	_____	_____	_____
David Harrington	_____	_____	_____	_____
Dexter McNamara	_____	_____	_____	_____
Emily Proctor	_____	_____	_____	_____
Julie Shananaquet	_____	_____	_____	_____
Shanna Wemigwase	_____	_____	_____	_____
Marcella R. Reyes	_____	_____	_____	_____
Tamara Kiogima	_____	_____	_____	_____
Fred Harrington, Jr.	_____	_____	_____	_____

Date: _____
Legislative Leader, Fred Harrington, Jr.

Date: _____
Tribal Council Secretary, Tamara Kiogima

Received by the Executive Office on _____ by _____

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: _____
Regina Gasco Bentley, Tribal Chairperson

Odawa Construction, Inc. Statute-posted 07/12/18 sponsored by Legislative Leader Fred Harrington, Jr. Secretary Kiogima____